14th December 1938]

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—" I have to announce to the House that the following message, dated the 13th December 1938, has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:— 11-45 a.m.

' In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Mappilla Marumakkattayam Bill (L.A. Bill No. 8 of 1937) as passed by the Assembly on the 7th December 1938, and signed by me, for the concurrence of the Council.' "

NON-OFFICIAL BUSINESS.

A.—BILL.

III.—A BILL TO AMEND THE INDIAN SUCCESSION ACT, 1925 (L.C. BILL No. 2 OF 1938)

* MR. J. A. SALDANHA:—" Mr. President, I beg to move—

' *That the Bill*[a] *to amend the Indian Succession Act,* 1925 (*L.C. Bill No.* 2 *of* 1938), *be referred to a Select Committee* (*names of the Members of the Committee to be given later*).'

" This Bill seeks to place the Indian Christians on the same level as the Muslims and, to a large extent, the Hindus—all Hindus except those residing in the Presidency town, Madras City. I only plead for the removal of the injustice under which we, Indian Christians, have been labouring. What I say is that we should be placed on the same level as the other communities. The Statement of Objects and Reasons which is appended will explain briefly the grounds on which this appeal is made to the Council. For a better understanding of the Statement of Objects and Reasons, I shall read section 213 of the Indian Succession Act:

' No right as executor or legatee can be established in any court of justice, unless a court of competent jurisdiction in British India has granted probate of the will under which the right is claimed, or has granted letters of administration with the will or with a copy of an authenticated copy of the will annexed.

(2) This section shall not apply in the case of wills made by Muhammadans and shall only apply in the case of wills made by any Hindu, Buddhist, Sikh, or Jaina where such wills are of the classes specified in clauses (*a*) and (*b*) of section 57.'

The other relevant section which I shall read is section 370. It says:

' A succession certificate (hereinafter in this part referred to as a certificate) shall not be granted under this part with respect to any debt or security to which a right is required by section 212 or section 213 to be established by letters of administration or probate:

Provided that nothing contained in this section shall be deemed to prevent the grant of a certificate to any person claiming to be entitled to the effects of a deceased Indian Christian, or to any part thereof, with respect to any debt or security, by reason that a right thereto can be established by letters of administration under this Act.'

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[a] Published in the *Fort St. George Gazette*, dated 23rd August 1938.